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ABSTRACT

This is the executive summary of the first of a series of planned studies on progress in the desegregation of the public schools in Boston, Massachusetts. The report covers the legal mandate, objectives, monitoring process, and findings for each of 12 areas which State officials are charged with monitoring: (1) student assignments; (2) desegregation of faculty and administrative staff; (3) special desegregation measures at specific schools; (4) desegregation of special education programs; (5) bilingual education; (6) vocational and occupational education; (7) student transportation; (8) school facilities; (9) school safety and security; (10) student discipline; (11) institutional pairings (with colleges/universities and businesses); and (12) parent and student organizations. Also included are brief discussions of dispute resolution and possible modifications to the outstanding judicial orders. (GC)

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COMMONWEALTH OF MASSACHUSETTS
BOARD OF EDUCATION

ED236277

REPORT TO THE UNITED STATES DISTRICT COURT, DISTRICT OF MASSACHUSETTS

ON

BOSTON SCHOOL DESEGREGATION

VOLUME I

JULY 15, 1983

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OVERVIEW

Introduction

The Massachusetts Board of Education and Commissioner have assumed a responsibility in recent months that is unprecedented in this Commonwealth's history of commitment to equal educational opportunity and racial integration. For the first time nationwide, a federal court has ordered a state Board of Education to monitor the desegregation of an urban school system. By order of federal District Judge W. Arthur Garrity, Jr. entered December 23, 1982, the Board is now exercising oversight for certain key elements of the Boston Public Schools' Desegregation Plan formerly under the direct jurisdiction of the Court. The Board is now responsible (subject to review by the Court) for overseeing the compliance of the Boston School System with Court orders affecting desegregation of students and of staff, involvement of parents and students in decision-making, and a wide range of educational program concerns.

In its acceptance of this unique assignment, the Board of Education and Commissioner analyzed their new duties with great care, and they have accepted full responsibility for all aspects of the state's role. Since January 3, 1983, the commencement date for this change in the relationship between Boston and the state, the Commissioner has met frequently with a specially designated Department of Education Management Team including Deputy and Associate Commissioners and attorneys to assure that we meet not only the expectations of the Court but also those standards set by the Board of Education and Commissioner for outstanding performance. This report, the first of several which will be made to the Court at six-month intervals, reflects these efforts.

Since this is the first time that Massachusetts or any other department of education in the country has been given such a task, objectives and strategies had to be developed as we proceeded. The second

report (January, 1984) will no doubt be strengthened by the comments to be received on this initial report: the Board and Commissioner welcome that advice and will be attentive to it. Monitoring has been conducted and reports prepared entirely without additional staff or consultant help. By Fall of this year, the Board and Commissioner expect to be able to bring outside expertise to assist in limited areas where it is warranted, through use of the funds which must be provided by the City of Boston to support this monitoring role in accordance with the Court's Order. It was anticipated that, because of the scope of this assignment, some areas and data would not be as firm as we will expect for the next report. While the process established for the successful completion of the monitoring and reporting responsibilities has worked reasonably well, it has not been without problems. In preparing this report, most of those problems have been identified and they will be resolved before the next report. In short, we will improve our process and results.

Despite these reservations, this is the most complete review of an urban school system undergoing desegregation in the country. By placing the responsibility upon the state Board of Education and the Department of Education, the Court has made use of the one agency which routinely monitors and provides technical assistance in almost every area of the Court's orders. Thus, regarding compliance with orders pertaining to vocational, bilingual or special education, Department staff were already intimately familiar with the operation of those program areas in Boston through recent major reviews and through on-going monitoring. On institutional partnerships, the Department has been funding the university and cultural partnerships, and the co-ordination of the business partnerships, since they began. On student assignments and other desegregation measures, Department personnel have worked as closely with Springfield, Worcester and Cambridge on these issues as they will now be working with Boston.

The Board and Commissioner have high expectations for the process of which this report reflects the first stages. The cooperative efforts of the Department of Education, the Boston Public Schools and other

parties to the case should assure not only that all Court orders are complied with, but also that an appropriate and effective education will be provided to each student. This is the commitment of the Board of Education and the Commissioner.

"There can no longer be any doubt," wrote Chief Justice Warren Burger on behalf of the Supreme Court this May, "that racial discrimination in education violates deeply and widely accepted views of elementary justice." To correct the causes and effects of such discrimination has been a primary goal of the Massachusetts Board of Education and of successive Commissioners for the past two decades, and this objective will continue to shape our new role in Boston.

First Monitoring Report

Volume I of this report is an "executive summary," bringing together, for each of the twelve areas which state officials are charged with monitoring, the mandate of the Court, monitoring objectives, a brief account of the approach used, and the findings and recommendations. This summary will be given wide distribution after it has been filed with the Court, to make available to the concerned public the essence of what has been found. Volume I also includes brief discussions of dispute resolution and possible modifications to the outstanding judicial orders.

Volume II includes the full text of the monitoring reports in each program area, including many documents prepared by the Boston Public Schools. Since these are the materials on which many of the findings are based, it was decided that they should be published so that those who wish to review particular areas of concern will find it convenient to do so. For reasons of budgetary limitations, Volume II will not be reproduced in quantity, but copies will be available for consultation by any member of the public.

In general, we are pleased to report significant progress and good-faith efforts in complying with the orders of the Court. Several problem areas were identified, however, including the following:

- The student assignment process was carried out in compliance with the requirements of the Court. Nevertheless, analysis of projected enrollments shows that 15 of the 124 schools will most likely not be in compliance with the desegregation objectives ordered by the Court. In none of these cases does it appear that assigning students differently would be an effective remedy, but in a number of instances school improvement and recruitment efforts would contribute to desegregation.

- Of the students who submitted applications 83% were given their first choice school assignment, suggesting that less compulsion exists under the desegregation plan than is commonly assumed. Choices expressed by present eighth graders for high school assignment provide a direct "consumer" perspective on the quality and climate of secondary schools in Boston.

- Applications to vocational programs, including the Humphrey Occupational Resource Center, indicate a need for vigorous recruitment to assure proportionate enrollments by race/ethnicity and by sex. Many programs will not operate at capacity because an insufficient number of students of one racial/ethnic group applied.

- Career education requirements have not been complied with in many middle and high schools. The absence of such programs contributes to the problems with enrollments in vocational programs.

- Support for limited English-speaking students in vocational programs is inadequate, despite recent efforts; the same problem was found in reviewing special education support for students with limited English-speaking ability.

- English and Madison Park High Schools have been unable to attract sufficient numbers of students citywide; efforts must be made to improve their programs and school climate. Burke and Dorchester High Schools are beginning to receive support to increase their attractiveness, though it is too soon to say whether the increased white enrollment assigned to these schools for the Fall will materialize.

- Boston Latin School has difficulty retaining Black and Hispanic students, as well as a disproportionate suspension rate for Black students. Charlestown High School employs suspensions far more frequently than do other Boston schools. On-site reviews will be carried out in the Fall.

- Staff desegregation requirements have, in general, been met, though staff reductions have limited the progress in hiring more Hispanic and Oriental staff apart from bilingual positions.

- Sufficient numbers of qualified staff were not available for some special and bilingual education programs.

- Racially-motivated violence has declined significantly on a system-wide basis. Persistence of crime and security problems in a limited number of schools, however, creates both specific recrutiment problems and a general perception of unsafe conditions.

Next Steps

Apart from these specific conclusions and others contained in the Report, the Board and Commissioner wish to express an underlying concern arising out of their close involvement with public education in Boston. While progress is being made in complying with Court orders, we believe that necessary efforts have not been undertaken in all instances to move beyond compliance and provide an effective desegregated education for every student in Boston.

This first report contains base line data in all twelve of the areas monitored; its strength and value to the monitoring process is its comprehensiveness. Now we will study in depth how Constitutional obligations are being met in those problem areas which are identified here. We encourage the other parties to make use of the data which this Report provides in their own efforts.

In the next stage of this monitoring task, we hope to find more evidence of energetic implementation of educational and other measures and concrete results for Boston's students.

Acknowledgments

The Board and Commisioner extend personal gratitude to the staff of the Department for their untiring efforts and perseverance on behalf of the children of the City of Boston. Particular thanks is also expressed to the members of the Boston School Committee, Superintendent Spillane and the staff of the school system for their prompt response to many requests for information. Finally, to the other parties and to the Citywide Parents Council we express our appreciation for their patience and cooperation throughout this extraordinary change in our relationships with one another. The progress and commitment displayed in the past six months bode well for a successful conclusion to these efforts.

Dr. Donald R. Walker, Chairperson
Board of Education

Dr. John H. Lawson
Commissioner of Education

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[Volume II contains the documentation and support materials for Volume I. Page references to these materials are given in the margins of Volume I. A table of contents for Volume II is on page 8.]

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MONITORING

1. Student Assignments

MANDATE

Student assignments and transfers shall continue to be made according to the standards contained in the following orders: Student Desegregation Plan, May 10, 1975, pages 71-79; memoranda and Orders Modifying Desegregation Plan of May 3, 1976, pages 16-19; May 6, 1977, pages 22-27; August 12, 1977; March 21, 1978; March 30, 1978; April 16, 1979; and March 24, 1982.

OBJECTIVES

1. To review and approve planning and implementation of the following assignment-related measures:
   - all student assignments
   - all school capacities
   - all program locations
   - all student transportation
   - all space/program matrices

   Such review is to be "prompt," following submission of proposed actions by the Department of Implementation.

2. To determine whether all student assignment procedures were carried out as required by the April 16, 1979 Order, as modified subsequently by the Court.

   To estimate the likely extent of compliance with the student desegregation objectives of the May 1975 Plan, as modified by the March 1982 Order.

3. To review student transfers and assignments to bilingual, special, and vocational education programs.

PROCESS

Monitoring in this area was carried out personally by the Director of Equal Educational Opportunity, through review of data and reports provided by the Department of Implementation and frequent discussions with the Senior Officer. Current and projected enrollments, by school and by program, and the preferences expressed by students participating in the annual application process were systematically analyzed. Most of this analysis was conducted in connection with the "prompt review and approval" of Department of Implementation activities mandated by the Court, which accounts for the somewhat episodic nature of the materials on assignment monitoring in volume 2.

FINDINGS

Overall, the assignment process was carried out appropriately, but the assignment outcomes are not satisfactory in all cases. It may be that - in some instances - assignments are not adequately supported by efforts to improve school program and climate or to reach out to parents and the community. Desegregation is not a matter of "following the rules" alone, but of a coordinated approach to creating effective desegregated schools.

(1) The Department of Implementation's procedures for establishing the space matrix, program locations, and assignments complied with the applicable Court orders. (16)*

(2) The expansion of Extended Day Kindergarten is consistent with the applicable orders and with equity principles, provided that a sufficient number of minority students are recruited for programs in predominantly white areas. (42)

(3) The assignment process to the Humphrey Occupational Resource Center was consistent with applicable orders, but the desegregation objectives of the Unified Plan will not be met without vigorous recruitment of students to programs in which their racial/ethnic group or gender is under-represented. Further detailed analysis of the relation between program and enrollments will be carried out in collaboration with the Division of Occupational Education. (314f)

(4) Assignments to other vocational programs also need to be tied more closely to recruitment and program development to meet the objectives of the Plan. (381f)

(5) Assignments to bilingual education programs were made in accordance with applicable orders and with race desegregation objectives, but it is noted that the large number of Spanish bilingual programs at the high school level has the effect of keeping most programs below the enrollment level required by the voluntary Lau Plan. (160f)

(6) Although special education placements are not made through the assignment process, but rather through individual assessment of needs, we note that Black students are seriously over-represented and other minority students seriously under-represented in substantially separate programs in certain districts. (167f)

(7) Aggregate magnet elementary school enrollments are very close to system-wide racial proportions. We note that Black students are as likely to attend magnet elementary schools as are white students, and other minority students are somewhat more likely to do so. There is concern about fluctuating enrollment in the Guild School and the heavy concentration of bilingual students in the Hernandez, with its potential for mainstreaming problems. (73f)

* NOTE: numbers in margin refer to pages in Volume II of this Report

(8) While some middle schools are out of the compliance range, it does not appear that, in any instance, the assignment process has been abused to produce a higher proportion of white students in one school at the expense of the others. Impact of magnet middle schools upon district middle school enrollments was not assessed. (93f)

(9) Desegregation assignments at the high school level are the most complex aspect of the Plan, in view of the wide range of options available and the enrollment of half of secondary students in city-wide schools. New assignments to district and magnet high schools generally have a positive projected effect; note the importance of vigorous measures to encourage students to attend their assigned schools. (102f)

(10) Analysis of the preferences expressed by students going into the ninth grade in September shows that district high schools (including those in predominantly minority areas) are not popular with minority students, with the exception of West Roxbury and, to a lesser extent, South Boston. White students, on the other hand, clearly preferred district high schools over English or Madison Park, except that Jamaica Plain, Hyde Park, Burke and Dorchester attracted few first preferences from white students. The Umana and Copley Square were strongly popular with all groups of students. The great majority of students who expressed a school preference through the application process seem to have received their first preferences, though note that more than one student in four in each racial/ethnic group did not return a timely application, and that these "no returns" were highly vulnerable to an assignment which they would not have sought. (122-27) (135-37)

(11) Madison Park and English High Schools deserve priority attention; neither is reaching the potential for which it was planned (both were provided with very extensive construction and program funding by the state), as schools attracting volunteers of all racial/ethnic groups because of an outstanding educational program and positive racial climate. (128-34)

(12) Boston Latin School enrolls 17% of the white students grades 9-12 in Boston but only 3% of the Black and Hispanic students attending Boston high schools. While the admission process is carried out according to the Court's requirements, it is clear that the objectives of a fully desegregated enrollment and proportional participation in educational benefits are not being met. The problem of support for Black and Hispanic students to improve their retention rate at these schools deserves close attention. (103-7)

(13) An analysis of assignments of "other minority" students who are not in bilingual programs found overrepresentation of Asian students in the three examination schools and Hispanic students in the district and general high schools. Close attention should be given to the support provided to students who have completed bilingual programs. (109-17) (307-11)

CONCLUSION

Overall, the assignment process seems to work well (though see discussion in the report on "special desegregation" schools for some exceptions), and is carried out in accordance with the requirements of the outstanding orders. The main concerns emerging from this review have to do not with assignments but with the necessary preconditions and follow-up for a successful desegregation plan relying heavily upon voluntary attendance:

(a) the need to strengthen the attractiveness of middle schools and of most high schools, and to present their program and racial climate in a positive light; and

(b) the need to follow up on assignments by energetic outreach to assigned students, and by support for minority students in the examination schools.

2. Faculty and Admistrative Staff

The desegregation of faculty and administrative staff shall be implemented according to the standards contained in the orders of July 31, 1974; January 28, 1975; the amended Order of August 20, 1975; the Order of February 24, 1976; the Special Order of July 7, 1977; the Further Order of July 5, 1978; the Modification of January 27, 1981; the Conditional Order of June 2, 1981; and the Bench Order of July 9, 1981.

OBJECTIVES

1. To determine whether the 20% Black requirement for teaching and administrative positions continues to be met.

2. To determine whether the required procedure for administrative ratings has been followed in all cases.

3. To assess the affirmative action efforts of the School Department to reach the goal of 25% Black teachers and administrators.

4. To determine whether recalls are being handled in such a way as to maintain the 20% Black requirement.

5. To assess the "best efforts" of the School Department to increase the percentage of "other minority" teachers and administrators system-wide and outside of the bilingual program.

PROCESS

The Associate Commissioner for Curriculum and Instruction is responsible for monitoring staffing. The "Report on the Number of White, Black and Other Minority...Administrators...and Teachers" of the Boston Public Schools (3/ 83) was analyzed for staffing patterns. Additional information was obtained from interviews with the system's Deputy Superintendent and officials from the Department of Personnel and the Office of Equal Opportunity.

FINDINGS

1. The Boston School Department's reports indicate that the 20% Black requirement for teaching and administrative staff has been met. As of March 3, 1983, 20.46% of Boston teachers were Black, 21.14% of Category I administrators (Head Masters, Principals) were Black, and 21.76% of Category II administrators (all others) were Black. (186-87)

2. Administrative ratings were conducted for 140 positions since January, 1983. The Department did not monitor the ratings procedure for January to May, 1983, and therefore cannot report that the required procedures were followed in all cases. The ratings procedure will be monitored in the next reporting period.

3. The Boston School Department's affirmative action efforts have been successful in managing the reduction of staff so as to maintain Court-ordered percentages for Black staff members. There has been virtually no recruitment because vacancies have been filled off the recall list.

4. The "best efforts" of the Boston School Department to increase the percentage of other minority teachers, both over-all and in regular education, have been limited also by a lack of vacancies to fill. The over-all percentage of other minorities is 8.25, an increase of one percent from the previous year. The percentage of other minorities exclusive of the Bilingual Department staff is 3.0, an increase of a fraction of a percent from the previous year. These percentages are very low, and this objective will be closely monitored during the next reporting period.

3. Special Desegregation Measures

MANDATE

Special desegregation measures at specific schools shall be implemented according to the orders of May 3, 1976, pages 20 and 25; May 6, 1977, pages 25 and 43-44; March 21, 1978, page 6; and the Bench Order of April 20, 1982 regarding the Hispanic Bilingual Program, Charlestown High School.

OBJECTIVES

1. To determine whether all measures required by the Court continue to be carried out.

2. To determine the effectiveness of all continuing special desegregation measures.

3. To determine compliance with all terms of voluntary measures with respect to special desegregation which have not been formalized as court orders, and with all terms of special desegregation measures arrived at pursuant to the process of dispute resolution.

PROCESS

The Director of Equal Educational Opportunity is responsible for monitoring all special desegregation orders. All special orders and related documents were reviewed and pertinent enrollment and assignment data were analyzed. On-site visits were made to four schools--Umana Technical, East Boston, Burke and Dorchester High Schools--and interviews conducted with their headmasters.

FINDINGS

1. The Tobin School. The unique aspect of the "Tobin Pilot" is its K-8 grade structure. Objections were raised to the pilot, especially that it might adversely affect desegregation at nearby schools. Advocates argued that a K-8 structure offers greater continuity and stability than the elementary/middle school system. Analysis of assignment data shows that the pilot has attracted a balanced enrollment, with an apparent improvement in the composition of the entering class and without an adverse effect on other schools. It is too early to draw conclusions regarding the (potential) impact of this grade structure for other schools. (275-93)

Special Desegregation Measures at Specific Schools (Continued)

(235, 39)

2. Mario Umana Technical High School. There is convincing evidence that the magnet technical school offers unique programs with strong appeal for students of all racial/ethnic groups. Uncertainty about the school's future may have an adverse effect, especially with regard to attracting and retaining qualified teaching staff.

3. East Boston High School. There is evidence that East Boston High School is conscientiously attempting to comply with the Court's orders regarding the business magnet. However, the Business Magnet has become a minority-identifiable program (approximately 70% for 1983-84) in a 98% white school. The uniqueness and attractiveness of the program are both in doubt; moreover, transfer policies lock students into the program. Consideration should be given to (a) permitting magnet students to transfer into other East Boston High School programs, and (b) permitting inter-district transfers into East Boston High School for desegregative purposes. The quality of the Business Magnet might be improved through merging it with the "college business program" at East Boston High School. (235-36, 240-43)

4. Burke and Dorchester High Schools. As a result of low white enrollments, special plans were presented by the Boston School Department to improve the quality of educational offerings at both schools. The plans address curriculum, staffing, facilities, safety and recruiting. In addition, the Department of Implementation agreed to permit desegregative, inter-district transfers into District V, and to limit magnet assignments from District V. There is evidence that the Boston School Department has--although belatedly-- provided support to both schools to implement the plans. Unfortunately, staff morale remains low as a result of threatened teacher layoffs and transfers. In addition, disruptive mid-term transfers of "social promotion" students interfere with attempts to provide stability in the student body. Finally, questions are raised by (a) inadvertent out-of-district transfers of white District V students, and (b) the assignment of an extremely small 9th grade class to the Burke (88, compared with 231 enrolled 9th graders in May 1983, a proposed reduction of 62%). (237-38, 243-50)

   As of this writing, discussions are taking place with the Department of Implementation about offering a Burke High School assignment to additional minority eighth graders in District V, while keeping the entering class at the upper end of the permitted range for white enrollment.

Special Desegregation Measures at Specific Schools (continued)

5. Other Special Desegregation Schools. Present and projected enrollments of six other special desegregation schools were analyzed, with no conclusive result or recommendation other than the importance of school-level efforts to reach newly-assigned white students and convince their parents of the educational and school climate benefits of attendance. (299-305)

6. Humphrey Occupational Resource Center. Initial review of assignments to the more than thirty programs offered by the ORC revealed significant departures from the goals set by the applicable orders. The Department of Implementation is appropriately underenrolling most of the programs until such time as additional recruitment permits assignment of more students of each racial/ethnic group while continuing to comply with required percentage ranges. This year - apparently for the first time - the requirements of the Court with respect to preferential assignment of female or male students to programs in which their gender is seriously under-represented were also complied with. Despite these efforts, most programs remain identifiable by race and/or gender. (314-20)

   Experience statewide suggests that control of assignments to vocational programs is effective only if accompanied by strong efforts, through career exploratory programs and through guidance, to encourage students to make non-traditional choices. Monitoring of occupational programs in district middle and high schools reveals significant deficiencies in this "feeder system".

CONCLUSION

Special desegregation efforts in Boston seem - apart from recent developments at Burke and Dorchester High Schools - to be carried out largely through the assignment process. Assignments are made in accordance with the special desegregation mandate at each of the schools considered, but it is not clear that program development, recruitment, and support activities are furthering what assignments cannot do alone.

Experience with other desegregating urban school systems shows the vital importance of dealing with assignments as only one aspect of a coordinated approach to creating effectively desegregated schools. The special desegregation schools in Boston should be prime examples of such an approach. It appears that this may now begin to be the case with Burke and Dorchester; this is encouraging.

4. Special Education

MANDATE

Desegregation of special education programs shall be implemented according to the standards contained at page 5 of the Student Desegregation Plan dated May 10, 1975.

OBJECTIVES

1. To determine whether there is a resource room and appropriate staff and materials in each school.

2. To determine whether there are at least three substantially separate classes (502.4) in each district.

3. To determine whether out-of-district placements of special needs students are programmatically appropriate (in consultation with the Director of Equal Educational Opportunity for assignment implications).

4. To advise the Director of Equal Educational Opportunity on the appropriateness of proposed program locations, space/program matrices, and student assignments to programs during the annual assignment process.

PROCESS

The Associate Commissioner for Special Education is responsible for monitoring special education. In monitoring objectives one and two, the Division's regional center staff conducted site visits to fifty schools, interviewed classroom teachers, and reviewed position/classroom control forms for every school submitted by the Boston Public Schools. In addition, the Division reviewed documentation on the policies and procedures for student assignments citywide.

Teacher interviews were conducted in classrooms visited. Numbers of students in each program and their age span were verified by student enrollment rosters and Individual Education Plans.

In monitoring objectives three and four, the Division of Special Education, in collaboration with the Director of Equal Educational Opportunity, reviewed procedural documentation regarding assignments of out-of-district placements (within the city). Also reviewed were proposed placement and program locations, space/program matrices, and student assignments provided by the Boston Public Schools.

In addition, pursuant to G.L. c. 71B, § 6, the Division of Special Education analyzed Boston's October 1, 1982 School System Summary Report, and reviewed assignment documentation submitted during ongoing monitoring of Boston's Corrective Action Plan, regarding the disproportionate assignment of minorities to special education programs.

FINDINGS

Fifty school site visits and review of documentation provided by the Boston Public Schools suggest general compliance with the requirements of the Court Order. The following are findings revealed through the monitoring which affect the delivery of services through resource rooms, special schools and special educators.

1. Resource rooms were found in all 50 elementary, middle and secondary schools visited. (346 a)

2. All resource room teachers were appropriately certified except in those cases where there were short or long-term substitutes or where Boston has requested bilingual or other special needs teacher certification waivers.

3. Fifty teacher certification waivers were submitted to the Division of Special Education for the current school year. Fourteen of these were recommended by the Division and approved by the Bureau of Teacher Certification. Additional cases of non-certified staff serving in accordance with the Court's Order of January 28, 1975 are being reviewed. Boston has submitted a plan of action and/or additional documentation to address the issue of teachers identified as inappropriately certified. (346 b)

4. Monitoring revealed that long-term absences of permanent teachers result in substitute replacements who are not certified in special education. While state law does not require certification for temporary substitute teachers, the use of uncertified personnel as long-term substitutes has an adverse impact on the delivery of special education services. In addition, according to Boston officials, short-term substitutes are often difficult to obtain. (346 c)

As a result of the shortage of substitutes, the Division found no service delivery in six special needs classrooms on the day of the site visit. The students were found in regular classrooms.

Bilingual substitutes seem to be the most difficult to find. Site visits revealed either no substitutes when these special educators were absent or monolingual English-speaking substitutes.

5. Eleven resource rooms were serving at the same time both English-speaking and non-English-speaking students (Charlestown High, Hyde Park High, Brighton High, West Roxbury High, Mackey Middle, Edwards Middle, Edison Middle, Hennigan Elementary, Barnes Elementary, Condon Elementary, S. Greenwood Elementary).

6. In at least half of the schools visited, teachers were concerned about a lack of appropriate materials and/or supplies, particularly for recently employed, transferred or bilingual educators. The Division could not determine any organized system of authority for ordering, distributing, or keeping track of materials. (346 d)

7. Boston Public Schools submitted to the Division of Special Education a listing of substantially separate classes for each district which was then cross referenced with the personnel roster of the Special Education Annual LEA Plan. The Division verified on site that there are at least three substantially separate classrooms in each of the nine districts. (346 a)

8. Boston Public Schools submitted program applications for re-approval of 502.4i classes (substantially separate classes outside the regular public school). These were monitored through documentation review and program site visits, including individual student record review. The Carter School Program has been approved, the Tileston School program has been provisionally approved, and the McKinley School program is currently under review.

9. Documentation was submitted to the Division of Special Education by the Department of Implementation as well as the Department of Student Support Services regarding specific procedures for assignment of students to substantially separate, out-of-district (within the city) placements. The Division found the procedures acceptable.

10. Although the analysis of October 1982 systemwide data did not indicate disproportionate placement of Black students in substantially separate (502.4) programs, site visits suggest an over-enrollment of Black males in Learning Adaptive Behavior (LAB) classes. Furthermore, assignments to substantially separate classes for fall 1983 suggest there may be other problems with enrollments by race.

11. The analysis of October 1982 systemwide data of students in 502.3 programs indicates an over-representation of Black students in this program prototype. (A 502.3 program is one in which students spend up to sixty percent of the time in special education.) (346 f)

RECOMMENDATIONS

The Boston Public Schools should:

1. Identify and document an adequate pool of substitute teachers to ensure resource room service delivery.

2. Document and ensure that long-term substitute teachers are appropriately qualified.

3. Develop a system for ordering, distribution, inventory control and budget maintenance for educational supplies and materials, and ensure equalization of material distribution.

4. Ensure that LAB classroom enrollments are reviewed for placement appropriateness for the 1983-84 school year and that documentation of such is provided to the Division of Special Education by October 1, 1983. The Division will monitor Boston's response to this request.

5. Continue implementation of the elements in Boston's Action Plan under G.L. c. 71B, § 6 to address over-representation of Black students in 502.3 programs.

Extensive monitoring of disproportionate placements of minority students has been an operational priority of the Division of Special Education over the last four years. Boston has submitted a nine-element Action Plan against which this monitoring is conducted. The referenced materials are part of the Policies and Procedural Manual for Special Education, Department of Student Support Services. (346 e)

5. Bilingual Education

MANDATE

Desegregation of bilingual education programs shall be implemented according to the standards contained in the Student Desegregation Plan, May 10, 1975, pages 4-5, 44-45, 48-49, 70, 73-74; and the Memoranda and Orders of May 6, 1977, pages 23 and 27; and March 21, 1978, page 5.

OBJECTIVES

1. To review proposed program locations and space/program matrices during the annual assignment process to assure that adequate space and other provisions have been made for the programs required, including bilingual kindergarten and extended day kindergarten, and so to advise the Director of Equal Educational Opportunity.

2. To determine, through regular monitoring activities, whether all approved and required bilingual programs, including kindergarten and extended day kindergarten, are in place and functioning appropriately.

3. To advise the Director of EEO on all bilingual education aspects of student assignments, including
   - examination school invitations
   - advanced work class invitations
   - student assignment handbooks
   - assignments (including bilingual, special, vocational)
   - transfers
   - exceptions, for the sake of bilingual programs, to racial percentage limits for assignments.

PROCESS

The Associate Commissioner for Curriculum and Instruction is responsible for monitoring Bilingual Education. The Director of Transitional Bilingual Education prepared a monitoring instrument that addresses: bilingual kindergarten programs, bilingual assignments, preparation and dissemination of orientation and assignment booklets in ten languages, recruitment and retention of students in examination schools, and conformity with the Commonwealth's bilingual educational law. He reviewed compliance in these areas with his counter-

part in the Boston Public Schools, reviewed data provided by the latter, reviewed issues raised by counsel for the Plaintiff/ Intervenors and counsel for the Bilingual Parent Advisory Council, and consulted with the Director of Equal Educational Opportunity on assignment and space matrix issues. He also reviewed material prepared by the Director of Occupational Education, Boston Public Schools.

FINDINGS

In general, bilingual education programs are in place and in compliance. Several problem areas are noted below:

(1) As a result of the assignment, in some instances, of more students requiring bilingual instruction to schools than projected, the staffing pattern will require changes and additional teachers will have to be assigned in time to be in classrooms in September. (357-58) While enrollment fluctuations may occur over the summer, it would be unwise to plan for fewer students than presently identified. Schools expected to require additional bilingual teachers are Brighton High, Edison and Taft Middle, Agassiz, J.F.Kennedy and Mackey Middle, and East Boston High; altogether ten teachers (8 Spanish, 2 Italian) are required in these schools.

(2) Boston has greatly increased the number of limited English-speaking students in occupational/vocational education programs. The applicable orders require bilingual programs for these students, but all instruction is presently in English with language (348-49) support available to some students. While 25 bilingual teachers are assigned to such programs, they are teaching in English and spread across many program areas and several language groups; there is no assurance that each of the nearly 3,000 students requiring language support (according to the responsible Boston administrator) is receiving it in the appropriate language. Any student not fortunate enough to be assigned to a program with a teacher speaking his or her language is dependent upon support from nine bilingual counsellors and six bilingual aides. Since these students take part in programs in many different schools, adequate coverage is of critical importance. This is an area of possible non-compliance, despite significant efforts by the School Department, and will be a priority area for further monitoring.

(3) As a result of the number of high school Spanish bilingual clusters, most enroll fewer than 100 students. This is in violation of the (160-61) voluntary Lau Plan and may result in limiting of educational support for a diversified high school bilingual program.

6. Vocational and Occupational Education

MANDATE

Desegregation of vocational and occupational education programs shall be implemented according to the standards contained at pages 69 and 70 of the Student Desegregation Plan, dated May 10, 1975, and the Unified Plan for Occupational and Vocational Education, as revised and filed with the Court on July 27, 1978.

OBJECTIVES

1. To determine whether occupational and vocational education (in the City of Boston) is equal in quality to programs extant elsewhere throughout the state as required by court-ordered Unified Plan.

2. To determine whether the Humphrey Occupational Resource Center is operating in conformance with State and Federal laws.

3. To assess the provision of access to desegregated occupational and vocational education for every high school student in the Boston Public School system.

4. To assess the provision of bilingual and special needs instruction in selected portions of the overall program.

5. To determine whether certain outdated programs have been phased out and new, updated programs appropriate to changes in manpower data have been introduced as required by the court.

6. To determine whether all outstanding orders regarding occupational and vocational education are being complied with.

PROCESS

The Associate Commissioner for Occupational Education is responsible for monitoring vocational/occupational education. A comprehensive data collection instrument was developed and submitted to the Boston Public Schools. The Division's regional center staff monitored compliance with the Unified Plan for Vocational/Occupational Education by analyzing these data. Site visits were conducted

to verify data and collect additional information. Additional cross-checking was done with the Department's special education and transitional bilingual education staff, where appropriate. A separate analysis has been prepared for each element of the Unified Plan, delineating the extent to which it has been accomplished. There are accompanying narrative summaries of the findings for the eight major areas of the Plan.

FINDINGS

The first phase of monitoring reveals that Boston has made substantial progress in implementing the Unified Plan. There is however, one caveat: Boston has not yet supplied all the data requested for this monitoring phase. In the following summary, there is no reference to monitoring areas in which compliance appears satisfactory and no significant recommendations have been made.

1. The Unified Plan, and the assessed needs on which it was based, should be revised to reflect the current needs of the Boston Public Schools. (385)

2. Disproportionate enrollment patterns by race and sex are evident in numerous programs at the HORC and throughout the district middle and high schools. There is some evidence that Blacks and females are concentrated in programs leading to low-paying service jobs. (381-82) (393-98)

3. District Core Programs. Middle and high school career education and exploratories: A full career education program has not been implemented, existing programs are not evaluated for quality and effectiveness, and one or more required clusters are missing at many schools; teacher layoffs account for many of the problems. Boston Public Schools should provide a full-time Career Education Coordinator for each district (or some equivalent), evaluate existing programs, and implement a full Career Education program. (382, 399-403)

   District high schools. None offers the required range of Employability Skills Clusters.

4. Magnet Vocational Programs. Enrollment in these satellite programs is about 43% of mandated capacity. Moreover, certain of the magnet shops are being, or will be, phased into the HORC to fulfill requirements of the Unified Plan, further reducing satellite enrollments. (Dorchester upholstery will be eliminated and the East Boston machine shop is being phased out.) (382, 404-6)

5. Underutilization of HORC Capacity. The HORC is currently operating at 72% of capacity. Strong efforts should be made to recruit and retain students. (382)

6. Bilingual Occupational Education. Boston has made significant efforts to enroll and serve limited-English proficient students; there are 1,535 such students enrolled in vocational/occupational education programs at the high school level and 1,160 at the middle school level. However, there are no bilingual occupational/vocational programs; all students are mainstreamed. Efforts are made to provide instructional and other support services. However, bilingual teachers and counselors are not assigned on the basis of language and some student-teacher ratios are out of compliance. At the HORC there is one bilingual counselor for 474 limited-English proficient students. (383-89) (411-12, 414)

7. Out of School Youth. The current arrangement with the CETA Prime Sponsor is effective, but monitoring will be required during the current transition from CETA to the Job Training Partnership Act. (383)

8. Implementation of an aggressive and systematic public information campaign is essential for the vocational/occupational education system in Boston. A full-time, experienced coordinator should be hired. (384, 425)

9. The Court-mandated "distinctive management structure" which should be accountable for "an articulated, quality vocational/occupational delivery capability" has not been implemented for a number of important functions. The mandated structure should be implemented. (384, 424)

10. The membership of the Advisory Council for Career and Vocational Education must be brought into compliance regarding racial composition and specific representatives. (384, 428)

CONCLUSION

Desegregation of vocational/occupational education is one of the most essential elements of the overall plan, with its direct implications for equal access to opportunities. Boston has made significant progress in launching the Occupational Resource Center, greatly increasing minority enrollment in employability skill programs, and developing new programs. Achieving proportionate enrollments by race/ethnicity and gender has lagged, as has the implementation of programs in district middle and high schools. Strong exploratory programs and support for bilingual students are essential to meeting the desegregatory requirements of the Court.

7. Student Transportation

MANDATE

Transportation shall be provided according to the standards contained at pages 80-83 of the Student Desegregation Plan, dated May 10, 1975.

OBJECTIVES

1. To approve proposed transportation arrangements developed pursuant to the approved student assignment plan each year, assuring that such arrangements will adequately support both desegregative and program assignments.

2. To determine whether transportation arrangements are in place for the opening of the school year in September.

3. To monitor the complaints received by the Boston Public Schools in relation to transportation, and to assess whether appropriate responses have been made.

PROCESS

Monitoring of transportation is the responsibility of the Director of Equal Educational Opportunity. Because Boston has not yet awarded a new transportation contract, implementation of the three monitoring objectives was not begun. However, the Requests for Proposals for transportation services, and a narrative summary of the contracting process have been reviewed. Moreover, there has been post facto Departmental monitoring during the past twelve years as part of the regular procedure for evaluating requests for state reimbursement. More intensive monitoring will commence in July to ensure that appropriate arrangements have been made for September. Boston will be requested to submit regular reports on complaints received and actions taken in response.

FINDINGS

No problems have yet been identified, as regular monitoring has not yet begun. (435)

8. School Facilities

MANDATE

Construction, renovation and closing of school facilities shall occur according to the standards contained in the Interlocutory Order of June 21, 1974; the Plan of May 10, 1975, pages 6-7; the Memoranda and Orders of May 6, 1977, pages 37-40; August 15, 1979; March 21, 1980; April 2, 1980; and the Order on Joint Defendants' Motion for Adoption, May 11, 1981.

OBJECTIVES

1. To determine whether all school closing measures ordered by the Court have been fully complied with.

2. To review all proposed construction, renovation, and other school facility measures for consistency with the desegregation and other requirements of the Court.

3. To review the placement or proposed placement of any portable unit, or the rental of any space for instructional purposes, for consistency with the desegregation and other requirements of the Court.

4. To determine the extent of compliance with outstanding orders with respect to development of a Unified Facilities Plan, including a schedule of further school closings, a schedule of construction, renovation, replacements, as well as repair and refurbishing of all facilities, and a plan for secondary school utilization, in accordance with the provisions of the Manual for District Planning Activities and other requirements of the Court.

PROCESS

The Associate Commissioner for School Facilities and Related Services is responsible. The Director of School Building Assistance has conducted the reviews, assisted by the Division's regional center staff, through meetings with senior Boston staff.

FINDINGS

1. All school closings ordered by the Court have been accomplished. (442)

2. No construction, renovation, or other facility measures are planned at this time, except for the Burke and Dorchester (442)

High School renovations. Assurances that these schools will remain open have been provided by the Superintendent, with supporting analysis by John Coakley, sufficient to accept in lieu of a system-wide long-range plan for the purpose of approving renovations. In brief, these assurances support the long-term use of both Burke and Dorchester as Boston high schools, thus justifying a substantial expenditure for renovations. The School Building Assistance Bureau is assisting the City with the development of approvable applications, with the expectation that the renovation projects will be presented to the Board of Education for approval.

3. No portable classrooms are in use, and all leasing of space is consistent with orders of the Court. An extension of the lease for Boston Latin Academy for one year is anticipated. (443)

4. According to Boston school officials, completion of the Unified Facilities Plan is not expected before Fall 1984, and is dependent, in part, on system-wide educational planning going on within the school department among members of the superintendent's executive staff, and among the Educational Planning Group, an ad-hoc coalition of parents, teachers, administrators and public education advocates, headed by school committeewoman Jean Sullivan McKeigue. Neither the City nor the Department of Education (Division of School Facilities and Bureau of Equal Educational Opportunity) has been included in this level of planning; both should resume their participation, ordered by the Court, when joint facilities planning recommences. The Department will follow the planning process closely. (443)

CONCLUSION

Priority has been given to the renovation of Burke and Dorchester High Schools, which is directly related to the desegregation of these schools. Long-range secondary school planning, currently under way unilaterally in Boston, represents perhaps the most important unfinished business of desegregation in the school system.

9. School Safety and Security

MANDATE

School safety and security shall be provided according to the standards contained in the following order: Order on Motion for Relief Concerning Security, December 17, 1974.

OBJECTIVES

1. To review monthly reports on school incidents, with special attention to those perceived as racial in nature.

2. To confirm the adequacy of arrangements for dealing with race-related incidents, including for example the existence of an emergency reporting and action plan for school and law enforcement personnel.

3. To confirm that the student discipline code and its implementation deal adequately with racial slurs and other actions tending to create race-related incidents.

4. To review quarterly reports on deployment of law enforcement personnel in South Boston schools.

5. To confirm that plans exist to close South Boston High School [as ordered by the Court in 1974] or any other school in the event that safety cannot be assured.

6. To review the adequacy of provision for bi-racial monitors in troubled schools.

PROCESS

The Commissioner's Special Assistant is responsible for monitoring safety and security issues related to desegregation. Boston School Department was requested to provide Daily Incident Log reports from January 3, 1983, with all incidents having strong racial overtones noted; a report from the Department of Safety Services regarding the school department's ability to respond to racial incidents in and around schools; and the Code of Discipline and Safety Procedural Manual of the Department. Meetings were held with the Deputy Superintendent for School Operations and the Chief of Safety Services, and hearings conducted by the Safe Schools Commission in each of the nine districts were attended. Finally, site visits were made to schools identified as having racial incident and/or safety concerns.

FINDINGS

The Court Orders (Dec. '74) generally do not address safety and security concerns affecting desegregation today. In particular, hostile crowds have not been a serious problem for five years or more, and South Boston High School has, through effective leadership and special measures, eliminated most serious incidents of violence, racial or otherwise. In general, racially-motivated violence has decreased. (456)

Problems of safety and security persist, but their nature has changed. The incidence of crime and random violence around certain schools adversely affects efforts to maintain desegregated school populations. The "spilling over" of neighborhood crime and violence into certain schools creates an atomosphere inimical to learning; the problem is exacerbated by the presence of seriously disruptive students (an estimated 10-20% of certain student bodies). Racially-motivated slurs, etc. appear to incite a small proportion of the violent incidents in certain schools; but school personnel in these schools, faced with more threatening problems such as fighting among students, assaults, and the presence of dangerous weapons, are not well equipped to take preventive measures or to respond with appropriate disciplinary action to less threatening violations. Parent and teacher complaints of constant problems and disruptions on some school buses do not seem to be supported by the number of incidents reported. This may, however, point to a need for Boston to examine more closely the kinds of complaints parents and teachers have about misbehavior on buses and what kinds of disruptions are reported. (456) (466) (458-69) (461-62)

Recommendations

1. Preliminary investigation indicates that certain schools have a high incidence of racial and other forms of violence. Attention should be given to verifying these preliminary data, which identify Charlestown, English, Hyde Park, Madison Park, and Brighton High Schools and Thompson Middle School as having significant problems. Then, funds should be targeted for (a) identifying effective measures to control or eliminate racial, criminal and other violent behavior in schools, and (b) implementing appropriate measures in the schools identified as needing them. South Boston High School is a potential successful model. (467)

2. Consider expansion of alternative programs and schools for seriously disruptive students who are not benefiting from the regular school program. (467)

3. Investigate and remedy disruptions and discipline code violations on certain school bus runs about which parents and teachers continually complain about. (462)

10. Student Discipline

MANDATE

Student discipline shall be enforced according to the standards contained in the Order Approving Addition to Code of Discipline, Janauary 9, 1975.

OBJECTIVES

1. To review, on a semi-annual basis, a report of suspensions and expulsions at each school, with the nature of the offense, the grade, race, and sex of the students affected, and the length of time for each suspension.

2. To determine, on the basis of these reports, whether the Code of Discipline is being followed consistently, and whether apparent patterns of inequitable treatment persist.

3. To monitor on site, if necessary, schools in which there are apparent patterns of inequitable application of the Code of Discipline.

PROCESS

The Associate Commissioner for Curriculum and Instruction is responsible for monitoring discipline, with the assistance of the director for student services and staff from the regional education center. A report of suspensions from September, 1982 to February, 1983 provided by Boston Public Schools was analyzed for apparent inequity; however, no analysis was made of expulsions for the same period because no data were provided. On-site monitoring of schools where apparently inequitable applications of the Code of Discipline are revealed by data analysis will be carried out in the Fall.

FINDINGS

Preliminary analysis of the data (received May 20th) suggests that discipline practices in a number of schools should be reviewed in-depth. For example, Charlestown High School shows a much higher suspension rate than do other Boston high schools, with English High, the Edwards Middle School, and McKay Elementary School also suspending students at a comparatively high rate. (437, 501)

Several high schools suspend Black students at a rate sharply out of proportion with the number of Black students in the schools. At Boston Latin School, Black students are suspended three times as frequently as "expected" on the basis of enrollment, while Brighton and East Boston High Schools suspend Black students twice as frequently as "expected". (501-2)

Analysis of data on the reasons for suspension does not reveal a clear distinction between Black and white male high school students.

It is notable that several schools with apparently fair rates of suspensions of Black and white students (especially West Roxbury High School) are also popular with students in their districts, as indicated by the ninth grade preference data analyzed elsewhere in this Report. (502)

The suspension data are only an indication of possible problems, and no conclusions should be drawn until the third objective of monitoring has been met: to monitor on-site the actual practices and school climate factors which lead to high or disproportionate suspensions. Volume II of this Report includes a description of the process which will be followed in conducting such on-site monitoring.

The data require further analysis, as well, for patterns of individual student discipline history, the issues for which students are suspended in each school, and the length of time for which students are suspended.

CONCLUSION

Student discipline will be monitored closely because of its significance for the success of desegregation - students are reluctant to attend schools where discipline is perceived to be arbitrary - as well as for the potential for discriminatory treatment. No conclusions should be drawn from the data analysis, but on-site monitoring efforts will begin with those schools for which the analysis shows the possibility of problems.

11. Institutional Pairings

MANDATE

Institutional Pairings shall continue according to the standards contained at pages 50 through 58 of the Student Desegregation Plan, dated May 10, 1975.

OBJECTIVES

1. To determine whether the institutional pairings identified in orders of continuing validity are operational.

2. To determine whether the institutional pairings require realignment.

3. To assess, by January 1985, the future of the institutional pairings.

PROCESS

The Associate Commissioner for Curriculum and Instruction is responsible for monitoring the institutional pairings mandated in the Student Desegregation Plan. Information regarding the pairings was obtained from the annually-submitted proposals for Chapter 636 funds to support the pairings, Departmental monitoring of the funded programs, and regular meetings of Department staff with the University Coordinators.

FINDINGS

1. The college and university pairings have changed slightly since the original order; a current list will be found in Volume II. Changes have been by mutual agreement. All of the college pairings listed are operational. (514)

   The business pairings have also changed somewhat; a current list will be found in Volume II. (513)

2. No realignments of the college pairings are recommended at this time; the re-involvement of Wellesley College is under discussion. (512)

3. The effectiveness of the college pairings continues to be hampered by delays in the approval of the colleges' contracts with Boston and by the Department of Education's application procedures. The Department will review and simplify its procedures next year.

12. Parent and Student Organizations

MANDATE

Court-ordered parent and student organizations shall operate according to the standards contained in the memoranda and Orders of October 4, 1974; August 24 and November 8, 1976; September 1, 1977; September 15, 1978; May 5, 1980; July 20, 1982; and August 25, 1982; and the Plan of May 10, 1975, pages 86-100; and the Student Amalgamation Plan.

OBJECTIVES

Parent Organizations

1. To determine whether Parent Councils have been monitoring matters which are apt to facilitate or hinder the desegregation process in particular schools, districts and/or citywide. For instance, monitoring implementation of court orders for special desegregation measures at some schools, repair and construction of facilities, vocational and occupational programs and support of participation by college, business and cultural pairings.

2. To determine whether parents have been responsible for planning and investigation of matters involving racial harmony at their school. Also, whether they have had access to the school records and have been able to send out pamphlets and newsletters and visit other schools. And to determine if parent councils have proposed modification of student activity programs and received reasonable operating expenses from the individual schools.

3. To determine whether the Boston Public Schools have provided to parent councils the monthly and semi-annual reports by principals and community district superintendents and to the CPC other reasonable educational statistics and data analysis.

4. To determine whether parents have participated in the evaluation of community district superintendents and of principals, and the screening and rating for administrative positions.

5. To determine whether parents have participated in collective bargaining, budget review process, major policy planning initiatives, and training of school department staff as provided by the November 8, 1982 Agreement.

6. To determine whether: (a) all elections to parent councils have been conducted, (b) councils are properly organized and meeting, and (c) whether council staff are racially balanced.

Student Organizations

1. To determine whether all activities provided under the Amalgamation Plan have taken place.

2. To review the composition of the Boston High School Student Coordinators and the Boston Student Advisory Council, as well as the Racial/Ethnic Subcommittees.

PROCESS

Monitoring of the parent and student organizations is the responsibility of the Associate Commissioner for Curriculum and Instruction, in consultation with the Director of Equal Educational Opportunity, the Director of Student, Community and Adult Services, and the Assistant Director of School Programs. Information regarding the Citywide Parents Council and School Parent Councils was gathered through: attendance at council meetings, review of the minutes of council meetings, personal discussion with the Executive Director and staff of the Council, discussion with officials of Boston Public Schools, and particular monitoring of the CPC Task Force on Charlestown High.

Information regarding student organizations was received from the school department's Office of School Operations and analyzed by the Director of Student Services. Site visits will be made in the fall to schools where problems have been identified.

FINDINGS

Parent Organizations

1. There has been a history of tension between the Boston School Department and the court-ordered parent organizations. Although the parent councils have been reorganized and appear to be functioning effectively, some of the tensions persist.

2. The Citywide Parents Council (CPC) and the School Parents Councils (SPC) have been able to monitor several issues pertaining to desegregation specified by the Court (e.g., special desegregation measures at certain schools, safety (517)

and security, student discipline, assignments, etc.). Other areas such as vocational and occupational education and university, cultural and business pairings have not been monitored because of staffing limitations.

3. Issues involving racial harmony at Charlestown High, the Umana Technical School and the Gavin Middle School are being monitored by CPC and SPC members. The CPC has reported improved cooperation from Boston in providing access to school records, but several SPC's have reported problems in getting adequate funding for mailings from the schools with which they work. Boston claims adequate funding for such things is provided through the CPC's regular annual budget ($500,000). The Court has been asked to intervene in some of these issues. (517)

4. The CPC reports that the required monthly and annual reports are being received and progress is being made in receiving other data requested.

5. A subcommittee of the CPC is drafting changes in the instruments used for evaluating administrators. The CPC is presently not participating in the evaluation process. Boston administrators have grieved the inclusion of non-supervisory people in the evaluation process presently set up. Although SPC members have served on screening committees for local school administrators, Boston has postponed screenings for permanent community superintendent positions and some other central office administrative positions until anticipated changes in districts and other matters occur. The CPC has formally objected to these postponements. (518)

6. The CPC reports involvement in collective bargaining and in the budget review process. It has also responded in writing to initial planning initiatives from the Educational Planning Group. However, the CPC reports some resistance from Boston in providing all requested data which the CPC feels is necessary for informed decision-making in the collective bargaining process. Boston states that all appropriate documents were shared with the CPC. The CPC is also involved in the development of a more effective drug education program to replace the one now in use. (519)

7. The CPC reports all CPC and SPC elections were held in November 1982. Over 1,000 parents have been elected and the CPC reports racial balance on the councils has been achieved. Regular participation, although always a problem at certain schools, has improved under the newly organized CPC-SPC structure. (520)

Student Organizations

The student governance structure is in compliance and functioning effectively at the school and citywide levels and is maintaining regular communication with the Boston School Committee. It is recommended that "fairness committees" be established in the schools (to replace the apparently moribund Racial-Ethnic Student Council Subcommittees); that student representatives to parent councils be provided; and that a standard election packet be developed for use in Student Council elections. (521-25)

DISPUTE RESOLUTION

The process for resolution of disputes under the Orders of Disengagement is described in detail at section V of the Orders. During the first several weeks of State Board responsibility under these Orders, Counsel to the State Board was directed by the Commissioner of Education to develop a set of guidelines that more specifically defined the manner in which the State Board would carry out its dispute resolution obligations. These guidelines, designed to insure adherence to Court-ordered procedures, were approved by the Commissioner on February 14.

As of June 27, 1983, only two disputes had reached the level of complaining party/defendant negotiations described at section V(c)(2) of the Orders of Disengagement. The first, involving School Defendants' affirmative obligations regarding "other minority" administrative appointments, was raised by El Comite de Padres on March 21. Counsel for both El Comite and School Defendants have informed the State Board that a conditional agreement was reached on the issues involved through the negotiating process described at section V(c)(2) of the Orders of Disengagement, though to date this agreement has not been reduced to writing. The second dispute, involving the elimination of Assistant Headmaster/Subject Area positions, was raised by the Boston Teachers Union on March 28, moved through the mediation stage described at section V(D)(1) of the Orders of Disengagement, and resulted, on June 6, in the filing by the State Board of a Report and Recommendation of Resolution with the Federal District Court, which is contained in the second volume of this report. (526)

MODIFICATIONS

Any of the primary parties or intervenors in the case may initiate a motion to modify existing orders as long as the proposed modifications have been presented to all parties and the Citywide Parents Council through a negotiation process under the auspices of the Board of Education.

Such modifications must be shown to be necessary in light of changed circumstances since the order to be modified was issued, must be detailed, complete, and show what the impact will be on the educational rights of minority students, must be "ripe for hearing and decision by the Court," and must not be inconsistent with Supreme Court decisions or federal statutes and regulations.

No modifications have been proposed to date (June 27,1983) through a formal process of notification of the parties, followed by negotiations.